

**Department of Environmental Conservation
Response to Comments**

For

Golden Valley Electric Association Healy Power Plant

APDES Permit No. AK0022942

Modification # 2

Public Noticed July 27, 2017 – August 25, 2017

Proposed Final



**Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501**

1 Introduction

1.1 Summary of Modified Permit

The final GVEA Healy Power Plant Permit was issued on April 10, 2017 with an effective date of June 1, 2017. On May 10, 2017, GVEA requested a timely adjudicatory hearing per 18 Alaska Administrative Code (AAC) 15.200 on the issuance of the April 10, 2017 permit. The request was to stay the bottom ash transport requirements in Permit Sections 1.2.9 and 1.2.10 until the Environmental Protection Agency (EPA) finalized recently announced revisions to Code of Federal Regulations (CFR) 40 CFR 423 (Steam Electric Power Generating Point Source Category) per 18 AAC 15.210, and a concurrent request for alternative dispute resolution in lieu of the adjudicatory hearing to revise Permit Sections 1.2.9 and 1.2.10 per 18 AAC 15.205. GVEA's request followed EPA's April 12th, 2017 decision to reconsider revisions to the Steam Electric Effluent Limitation Guidelines (ELG) and standards in 40 CFR 423, published in the Federal Register on November 3, 2015. EPA's decision includes a stay of the compliance dates contained in 40 CFR 423 that have not yet passed.

On June 23, 2017, the Commissioner (in accordance with 18 AAC 15.220) agreed that the compliance dates in Permit Sections 1.2.9 and 1.2.10 should be stayed. Therefore, consistent with DEC's Administrative Procedures in 18 AAC 15 and 18 AAC 83.135 as amended through August 15, 2010, DEC modified GVEA's permit issued on April 10, 2017 by removing Permit Sections 1.2.9 and 1.2.10. Sections in the permit and fact sheet related to the removal of Permit Sections 1.2.9 and 1.2.10 were also modified to reflect the removal of these sections. No other parts of the permit, fact sheet, or supporting documents issued on April 10, 2017 were modified. Details outlining GVEA's adjudicatory hearing and concurrent request for alternative dispute resolution are summarized in the Modification #2 Fact Sheet.

1.2 Opportunities for Public Participation

The Alaska Department of Environmental Conservation (DEC or the Department) proposed to modify an Alaska Pollutant Discharge Elimination System (APDES) wastewater discharge permit for the Healy Power Plant. To ensure public, agency, and tribal notification and opportunities for participation, the Department:

- provided for a 10-day applicant review period of the preliminary draft modified permit. GVEA waived the 10-day applicant review period of the preliminary draft modified permit.
- formally published public notice of the draft modified permit on July 27, 2017 in the Fairbanks Daily News-Miner and posted the public notice on the Department's public notice web page
- sent email notifications via the APDES Program List Serve when the modified draft permit and fact sheet were available for review

The Department did not receive any comments on the draft modified permit.

1.3 Final Permit

The final modified permit was adopted by the Department on **pending**.